

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RLP VENTURES LLC.)	
)	
Plaintiff,)	
)	
v.)	
)	Civ. No. 1:18-cv-03988
ALL HANDS INSTRUCTION NFP)	
)	
Defendant,)	
)	

**ALL HANDS INSTRUCTION’S NOTICE OF DECISION AND ORDER IN RELATED
CASE AT THE TRADEMARK TRIAL AND APPEAL BOARD**

On May 3, 2018, a Complaint was filed in the above-captioned case. D.I. 1. On July 30, 2018, in lieu of an answer, Defendant All Hands Instruction NFP (“All Hands”) filed a Motion to Dismiss or Transfer Venue. D.I. 12.

On September 11, 2018, Plaintiff RLP Ventures LLC (“Plaintiff” or “RLP”) brought a cancellation proceeding in the Trademark Trial and Appeal Board (“TTAB”). Cancellation No. 92069562, 1 TTABVUE.

On September 12, 2018, Plaintiff filed a Motion to Stay the above-captioned case pending the TTAB Cancellation Proceeding. D.I. 20. On October 3, 2018, this Court heard Oral Argument regarding both All Hands’ Motion to Dismiss and Plaintiff’s Motion to Stay. Neither motion has been decided at this time.

On October 31, 2018, All Hands filed a Motion to Dismiss the TTAB Cancellation Proceeding. 4 TTABVUE. On February 7, 2019, the TTAB *sua sponte* suspended the Cancellation Proceeding pending final disposition of the civil action between the parties. 8

TTABVUE, 4. In its Order, the TTAB deferred decision on All Hands' Motion to Dismiss the TTAB Cancellation Proceeding, noting that while the district court action may not fully or necessarily dispose of the claims before the TTAB, the civil proceeding "may have a bearing" on the TTAB action. *Id.* at 3. A copy of the TTAB's February 7, 2019 Order Suspending the TTAB Cancellation Proceeding is attached herein as Exhibit A.

Date: February 11, 2019

Respectfully submitted,

/s/ Kevin J. Post

Kevin J. Post

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